

UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND

ERIC NEUFVILLE
(PLAINTIFF)
v.

PATRICIA COYNE-FAGUE et al.
(DEFENDANTS)

CASE # 1:20-CV-00005-WES-LDA
RECEIVED

SEP 22 2020

U.S. DISTRICT COURT
DISTRICT OF R.I.

RESPONSE TO DEFENDANTS OBJECTION
FOR APPOINTMENT OF COUNSEL

NOW COMES THE PLAINTIFF ERIC NEUFVILLE, IN HIS PRO-SE CAPACITY FILES WITH THIS HONORABLE COURT A RESPONSE TO DEFENDANTS OBJECTION TO HIS MOTION FOR APPOINTMENT OF COUNSEL. I ERIC NEUFVILLE, SWEAR BY THE PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE CORRECT, AND ABSOLUTE TO THE BEST OF MY KNOWLEDGE, PURSUANT TO 28 U.S.C. 1746.

PLAINTIFF ASK THIS HONORABLE COURT TO GRANT HIS MOTION FOR APPOINTMENT OF COUNSEL BASED ON SEVERAL FACTUAL GROUNDS:

PLAINTIFF ASSERTS THAT HE DOES NOT HAVE ADEQUATE ABILITY TO RESEARCH AND PERFORM LEGAL WORK. THE LAW LIB. HERE AT MAXIMUM SEC. HAS BEEN CLOSED SINCE MARCH OF 2020. WHAT THE DEFENDANTS ARE CALLING A LAW LIB. IS IN FACT A BOX WITH A COUPLE OF BOOKS SUCH AS FORENSIC EVIDENCE FILL IN THE BLANK MOTIONS ECT. LOCATED IN THE VISITING ROOM, WITH A LAW CLERK AND ONE TABLET COMPUTER WHICH

PLAINTIFF IS NOT ALLOWED TO USE THIS COMPUTER TO DO HIS OWN LEGAL RESEARCH. NOTE: ACCORDING TO D.O.C. POLICY 13.03-3 INMATE LAW CLERKS ARE NOT ALLOWED TO PERFORM RESEARCH FOR OTHER INMATES. (SEE EXHIBIT (A) R.I. D.O.C. POLICY) THERE IS NO DIRECT ACCESS TO A COPY MACHINE, PLAINTIFF HAS TO SEND HIS LEGAL WORK OUT THE BUILDING ONCE IT'S COMPLETE, PLAINTIFF HAS PUT HIS LEGAL DOCUMENTS IN A UNSEALED ENVELOPE IN THE MAILBOX TO BE MAILED TO THE CENTRAL LAW LIB. WHERE IT'S SUBJECT TO BEING LOST, READ, AND TAMPERED BY ANYONE INCLUDING THE DEFENDANTS DIRECTLY INVOLVED WITH THIS LITIGATION. ONCE THIS PAIN STAKING, AND NERVE RAKING PROCESS IS COMPLETE IT TAKES 5 TO 6 DAYS TO GET YOUR LEGAL WORK AND COPIES BACK IN YOUR POSSESSION. ALSO PLAINTIFF IS ONLY ALLOWED TO HAVE 15 MINS. TO 20 MINS. IN THIS SO CALLED LAW LIB, THIS ^{is} NOT SUFFICIENT ENOUGH FOR PLAINTIFF TO EXERCISE HIS RIGHT TO REDRESS.

PLAINTIFF ASSERTS HE IS DISABLE DUE TO HIS RIGHT FINGER INJURY. PLAINTIFF SUBMITTED TO THIS COURT HIS MEDICAL REC. IN HIS INITIAL MOTION. PLAINTIFF'S CONDITION IS GETTING WORSE, WHEN PLAINTIFF IS WRITING, IT CAUSES PLAINTIFF A GREAT DEAL OF PAIN, AND TAKES PLAINTIFF A FEW HOURS TO COMPLETE ONE PAGE OF WRITING. PLAINTIFF WAS SCHEDULE FOR CONSULTATION FOR SURGERY, BUT DUE TO COVID-19 HIS MEDICAL FURLOUGH TO THE SURGEON HAS BEEN DELAYED.

PLAINTIFF ASSERT THAT HIS CASE IS NOT FRIVOLOUS AS CLAIMED BY THE DEFENDANTS, BUT BASED ON THE FOUNDATION OF ESTABLISH LAW SUCH AS JOHNSON V. AVERY (U.S. SUPREME) AND THE NEXT FRIEND DOCTRINE, EVEN DEFENDANTS OWN PRISON RULES, AS SUBMITTED IN EXHIBIT TO THIS HONORABLE COURT IN PLAINTIFFS ORIGINAL COMPLAINT. WHEN PLAINTIFF PROCEED TO TRIAL ON HIS COMPLAINT HE WILL PREVAIL SUCCESSFULLY. SINCE THE FILING OF THIS COMPLAINT PLAINTIFF HAS SUFFERED A CAMPAIGN OF RETILIATION BY SOME OF THE NAMED DEFENDANTS FOR FILING THIS CIVIL ACTION.

THE DEFENDANTS ARE NOT ASKING THIS HONORABLE COURT TO DENY PLAINTIFF'S MOTION FOR COUNSEL IN THE INTEREST OF JUSTICE, BUT ONLY TO PUT THE PLAINTIFF AT A DISADVANTAGE BY USING THE FULL WEIGHT AND RESOURCES OF THE RI ATTORNEY GENERALS OFFICE. THE PLAINTIFF DOES NOT HAVE TO REMIND THIS COURT UNDER NORMAL CIRCUMSTANCES HOW HARD IT IS TO MOUNT A SUCCESSFUL CIVIL ACTION PRO-SE FROM IN PRISON. THE PLAINTIFF IS AT A ~~DIS~~ DISADVANTAGE DUE TO HIS HANDICAP AN EXTREMELY LIMITED ACCESS TO A ADEQUATE LAW LIB. IF THIS HONORABLE COURT WERE TO DENY PLAINTIFF'S MOTION IT WOULD RESULT IN A DENIAL OF DUE PROCESS. THEREFORE PLAINTIFF PRAYS THIS HONORABLE COURT GRANTS HIS MOTION FOR COUNSEL.

~~NEUFVILLE, NEW~~

RESPECTFULLY SUBMITTED



ERIC NEUFVILLE

P.O. BOX 8273

CRANSTON, RI 02920

CERTIFICATION

I, ERIC NEUFVILLE, MAILED A TRUE COPY OF SAID MOTION
TO THE DEFENDANTS ATTORNEY, AT THE R.I. ATTORNEY
GENERAL'S OFFICE AT 150 SOUTH MAIN ST. PROVIDENCE, R.I. 02903
BY WAY OF USPS ON THIS ~~28th~~ 29th DAY OF AUGUST
2020



E X H I B I T
A

C. Access and Hours - Satellite Law Libraries

Law library hours are posted in all housing units. Scheduling is determined by Wardens or designees for individual facilities. Inmates needing additional time in the law library make such requests in writing to the Warden or designee.

D. Law Library Service (Administrative and/or Disciplinary Confinement)

1. Inmates housed in administrative and/or disciplinary confinement are not permitted physical access to the law library; however, legal material is available on book carts which are located in every administrative and/or disciplinary confinement mod. Use of the cart is by request only. A request is forwarded to the facility administrative and/or disciplinary confinement officer, consistent with the rules and procedures of individual facilities.
2. Also available to inmates housed in administrative and/or disciplinary confinement is direct "in person" access to an inmate law clerk. Administrative and/or disciplinary confinement inmates desiring assistance from an inmate law clerk sign up for an appointment on an appointment sheet/request for interview form provided by the administrative and/or disciplinary confinement officer. The request is forwarded to the inmate law clerk within two (2) days. An inmate law clerk is permitted to enter the administrative and/or disciplinary confinement area and assist the administrative and/or disciplinary confinement inmate.

E. Inmate Law Clerks

1. The Warden or designee of each facility ensures at least two (2) trained inmate law clerks are hired. The Warden or designee also maintains a "pool" of trained inmate law clerks to provide coverage.
2. Minimum education and skills: high school diploma or GED; ability to type.

NOTE: Whenever possible, one should be bilingual in English and Spanish.

3. Inmate law clerks shall not perform actual research and preparation of casework for other inmates. This prohibition is intended to prevent the exchange of services for cash, favors, or goods and discourages possession of contraband in the form of another inmate's legal materials.
4. The duties and responsibilities of the satellite law libraries' inmate clerks include, but are not necessarily limited to: